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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/922,252	08/03/2001	Jen-Shou Tseng	JCLA7248	7618
43831	7590	10/04/2005	EXAMINER	
BERKELEY LAW & TECHNOLOGY GROUP 1700NW 167TH PLACE SUITE 240 BEAVERTON, OR 97006			VILLECCO, JOHN M	
			ART UNIT	PAPER NUMBER
			2612	

DATE MAILED: 10/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.		Applicant(s)	
	09/922,252		TSENG ET AL.	
	Examiner		Art Unit	
	John M. Villecco		2612	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 July 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) 3 and 6 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4 and 5 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 August 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|-----------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Election/Restrictions

1. Applicant's election without traverse of claims 1, 2, 4, and 5 in the reply filed on July 25, 2005 is acknowledged.
2. Claims 3 and 6 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected embodiment, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on July 25, 2005.

Drawings

3. The drawings are objected to under 37 CFR 1.83(a) because they fail to show the vibration sensor mounted on the light sensing device as described in the specification. Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet

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submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

4. The disclosure is objected to because of the following informalities:
- In line 20 of page 5, applicant recites the phrase "Fig. 4 a flow chart". This appears to be a typographical error and that the applicant meant to use the phrase – Fig. 4 is a flow chart –.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. **Claims 1, 2, 4, and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tsai et al. (U.S. Patent No. 6,075,242) in view of Kato (U.S. Patent No. 5,214,518) and further in view of Hayakawa (U.S. Patent No. 6,130,993).**

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7. Regarding *claim 1*, Tsai discloses a flatbed scanner which includes a platform (12) for holding a scan document (14), an optical system consisting of scanning mirrors (29, 30, and 31), and a light-sensing device (optical sensor, 28).

While Tsai was used primarily to show the structure of a flatbed type scanner, Tsai fails to specifically disclose that vibration is an issue in scanners. Kato, on the other hand, discloses that it is well known in the art that vibrations are common in a scanner and have to be considered during the capturing of an image. As discussed in column 3, lines 1-10, fluctuations in the output image can occur because of the vibration of the scanning unit during scanning. Thus, Kato is used merely to show that it is well known in the art that vibrations of the scanning unit need to be considered during image pickup using a scanner. Therefore, one of ordinary skill in the art would recognize the need for the scanner of Tsai to recognize that vibrations of the scanning unit need to be accounted for during image pickup, as discussed by Kato.

The combination of Tsai and Kato, however, fails to explicitly disclose the vibration sensor mounted to the light sensing device for detecting the magnitude of the vibration, a controller for measuring the magnitude of the vibration and producing an actuator signal and an actuator for adjusting the optical system according to the actuator signal so that vibration effects are minimized. Hayakawa, on the other hand, discloses that it is well known in the art to determine an amount of shake of a system and adjust an optical path of the system to account for vibration effects. More specifically, Hayakawa discloses a vibration sensor (38) for detecting a magnitude of vibration of the camera, a controller (CPU, 40) connected to the vibration sensor for measuring a magnitude of vibration and producing a corresponding actuator signal, and an actuator (second stepper motor, 25) connected to the CPU (40) and the optical system (mirror,

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14) for moving the mirror (14) such that effects due to vibration are minimized. See column 8, line 20 to column 10, line 67 and Figures 1 and 4. By arranging the imaging system in such a manner vibrations due to image system shake are minimized. Therefore, one of ordinary skill in the art at the time the invention was made would have found it obvious to include such a vibration correction method in the scanner of Tsai, based on the teachings of Kato, so that vibrations due to the scanning unit movement are minimized and a higher quality image is formed. Although, Hayakawa does not specifically disclose that the vibration sensor is mounted on the light-sensing device, Kato teaches that in a scanner, vibration of the scanning unit is an issue. Therefore, in order to account for the vibration of the scanning system of Tsai and Kato it would have been obvious to mount the vibration sensor on the scanning unit so that vibration of the scanning unit is corrected.

8. As for **claim 2**, Tsai discloses that flatbed scanners commonly include a set of flat mirrors (29, 30, 31) to direct an image to the image pickup device. Additionally, Hayakawa discloses an embodiment in which the mirror is rotated in order to correct for vibration. See column 12, line 8 to column 13, line 31 and Figure 6.

9. **Claim 4** is considered a method claim corresponding to claim 1. Please see the discussion of claim 1 above.

10. **Claim 5** is considered a method claim corresponding to claim 2. Please see the discussion of claim 2 above.

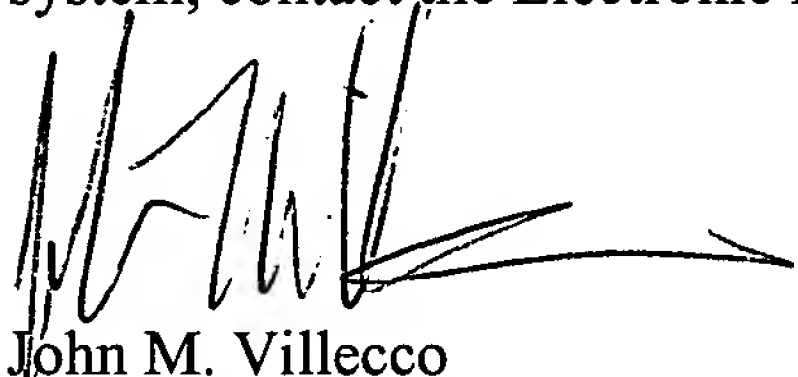
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Any inquiry concerning this communication or earlier communications from the examiner should be directed to John M. Villecco whose telephone number is (571) 272-7319.

The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, NgocYen Vu can be reached on (571) 272-7320. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'J. Villecco', with a long horizontal stroke extending to the right.

John M. Villecco
September 28, 2005